

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAVIER BARRIENTOS, # R-05205,)	
)	
Plaintiff,)	
)	
)	
vs.)	Case No. 12-cv-803-DRH
)	
ALLEN MARTIN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Javier Barrientos, a state prisoner, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 2001 Cook County, Illinois, conviction for murder in case number 00-CR-16570. Petitioner challenges his conviction based on ineffective assistance of counsel.

Petitioner indicates that he has exhausted his state court remedies with respect to the claims raised in his federal habeas petition; furthermore, he appears to have filed his petition in a timely manner.

IT IS HEREBY ORDERED that respondent shall answer the petition or otherwise plead within thirty days of the date this order is entered (on or before September 28, 2012). This preliminary order to respond does not, of course, preclude the State from making whatever waiver, exhaustion, venue or timeliness argument it may wish to present. Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois

60601 shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk (and each opposing party) informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.

DATED: August 28, 2012

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2012.08.28
16:08:20 -05'00'

**Chief Judge
United States District Court**